

**ENTERED**

May 30, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LESTER DEAN WILLIAMS,	§	
#460653,	§	
	§	
Petitioner,	§	
v.	§	CIVIL ACTION NO. H-15-3438
	§	
LORIE DAVIS, Director,	§	
Texas Department of Criminal	§	
Justice - Correctional	§	
Institutions Division,	§	
	§	
Respondent.	§	

**ORDER**

Pending is Petitioner's Motion for a Certificate of Appealability (Docket Entry No. 21). On November 29, 2016, the Court adopted the recommendations of the magistrate judge, granted Respondent's motion for summary judgment, denied Petitioner's cross-motion for summary judgment, and dismissed the federal habeas corpus action filed by the petitioner with prejudice as time-barred. (Docket Entry No. 17). In that same Order, the Court denied a certificate of appealability. Id.

On December 22, 2016, Petitioner filed a letter request for an extension of time, which the Court construed as a motion for extension of time to file an appeal under Federal Rule of Appellate Procedure 4(a)(5) and enlarged his time to file his appeal until January 28, 2017. See Docket Entry No. 20.

On February 16, 2017, Petitioner filed the pending motion for

a certificate of appealability, arguing that there is a jurisdictional defect and that his sentence is unauthorized. Petitioner contends that he may raise a jurisdictional defect at any time, an argument that he raised in his objections to the recommendations of the magistrate judge and that the Court considered and rejected in the Court's November 29, 2016 Order. See Docket Entry Nos. 16 & 17. The Court has also previously considered and denied a certificate of appealability in this case, concluding that Petitioner has not made a substantial showing that reasonable jurists would find the Court's ruling debatable. See Docket Entry Nos. 17 & 18.

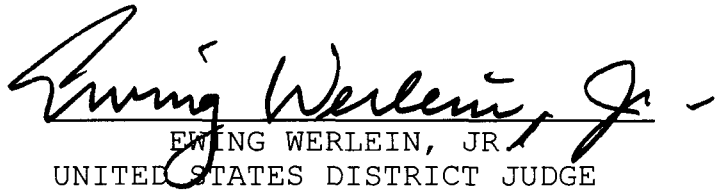
Regarding his new motion for a certificate of appealability, Petitioner again has not made the required showing. See Beazley v. Johnson, 242 F.3d 248, 263 (5th Cir. 2001) (citing Slack v. McDaniel, 120 S. Ct. 1595, 1603-04 (2000)). For this reason, the Court finds that a certificate of appealability should not issue in this case.

Accordingly, it is hereby

**ORDERED** that Petitioner's Motion for a Certificate of Appealability (Docket Entry No. 21) is **DENIED**.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED at Houston, Texas, on this 26<sup>TH</sup> day of May, 2017.

  
EWING WERLEIN, JR.  
UNITED STATES DISTRICT JUDGE